

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUMEN VIEW TECHNOLOGY LLC,

Plaintiff,

v.

FINDTHEBEST.COM, INC.,

Defendant.

No. 13 CV 3599

ECF CASE

**DEFENDANT FINDTHEBEST.COM, INC.'S NOTICE OF MOTION FOR
DECLARATION OF EXCEPTIONAL CASE AND AWARD OF FEES
AND NONTAXABLE EXPENSES**

PLEASE TAKE NOTICE that Defendant Findthebest.com, Inc. ("FTB") hereby moves this Court for an Order declaring that this case is exceptional pursuant to 35 U.S.C. § 285 based on Plaintiff Lumen View Technology, LLC's ("Lumen") pursuit of objectively baseless claims against FTB and litigation misconduct, and an award of attorneys' fees and nontaxable expenses to FTB. In support of this Motion, FTB files herewith:

- (1) A Memorandum of Law in Support of Defendant Findthebest.com, Inc.'s Motion for Declaration of Exceptional Case and Award of Fees and Nontaxable Expenses;
- (2) Declaration of Joseph S. Leventhal and attached Exhibits, Declaration of Danny Seigle, and Declaration of Kevin O'Connor; and
- (3) A Proposed Order, submitted hereto as **Exhibit A**.

Dated: December 10, 2013

Respectfully submitted,

By: /s/ Joseph S. Leventhal

JOSEPH S. LEVENTHAL
THE LEVENTHAL LAW FIRM, APC
600 West Broadway, Suite 700
San Diego, CA 92101
Ph: (619) 356-3518
Fx: (619) 615-2082
jleventhal@leventhallaw.com